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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: THATCHER, et al.
Serial Number: 09/473,713
Filed: December 29, 1999
Group Art Unit: 1626
Title: Methods and Compositions for Mitigating Pain
Examiner: A. D'souza
Agent Ref. No.: 1995-033-12US

#9K
R. Brown
6/13/01

June 7, 2001

The Commissioner of Patents and Trademarks
Washington, D.C.
20231

Dear Sir,

RESPONSE TO RESTRICTION REQUIREMENT

This is responsive to the Office Action (for restriction only) dated April 10, 2001. A Petition for Extension of Time of one month and fee authorization are attached hereto, in duplicate. Please amend the instant application as follows:

IN THE CLAIMS:

Please cancel claims 1 to 10, 21, 23, 25, 27, and 29 to 32 without prejudice or disclaimer thereof.

REMARKS

In the Office Action (for restriction only) the Examiner was of the opinion that the claims of the instant application are directed to five patentably distinct inventions. As discussed with the Examiner in a telephone conversation on or about April 30, 2001, certain claims were inadvertently omitted from Groups II and III in the Office Action. As a result of that telephone discussion, the claim Groups have been corrected as follows:

Group I. Claims 1 to 10, 21, 23, 25, and 27, drawn to a method for treating pain.
Group II. Claims 11 to 20, 22, 24, 26, and 28, drawn to methods of providing

sedation.

Group III. Claims 29 and 32, drawn to various products.
Group IV. Claims 30 and 32, drawn to various products.
Group V. Claims 31 and 32, drawn to various products.

Applicants elect Group II, claims 11 to 20, 22, 24, 26, and 28, drawn to methods of providing sedation. Claims 1 to 10, 21, 23, 25, 27, and 29 to 32, corresponding to Groups I, III, IV, and V, are cancelled without prejudice or disclaimer.

In response to the Examiner's requirement that a single disclosed species be elected, Applicants elect compound IVk (see, for example, page 31, line 14; Table 1, page 40; Examples 13 and 30). Applicants understand that this election is being made to assist the Examiner in identifying a genus, inclusive of the elected species, for examination. Claims of Group II readable on compound IVk are 11, 13, 16, 17, 18, 26, and 28.

If the Examiner has any questions about the instant Response or the application, she is asked to please telephone Stephen Scribner (Reg. No. 44,452) or Carol Miernicki Steeg (Reg. No. 39,539) at 613-533-2342.

Please charge any fees that may be required, for which no cheque is enclosed, to
Deposit Account No. 17-0110.

Respectfully submitted,



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